

MEMORANDUM ENDORSED



Tarter Krinsky & Drogin LLP
1350 Broadway
New York, NY 10018
P 212.216.8000
F 212.216.8001
www.tarterkrinsky.com

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Sandra A. Hudak
Counsel
212-216-1174
shudak@tarterkrinsky.com

Via ECF

November 21, 2023

The Honorable Gregory H. Woods, U.S.D.J.
United States District Court, S.D.N.Y.
500 Pearl Street, Room 2260
New York, NY 10007

Re: *Mechanical Plastics Corp. v. Dominateco LLC*, No. 1:23-cv-07042-GHW
Request for Extension of Time to File Opposition to Motion to Dismiss

Dear Judge Woods:

We represent Plaintiff Mechanical Plastics Corp. (“Plaintiff”) in the above-referenced matter. Pursuant to Your Honor’s Individual Rule 1.E, Plaintiff respectfully requests a two-week extension of time to file its opposition to Defendant Dominateco LLC’s (“Defendant”) Motion to Dismiss (ECF No. 19, “Motion”) Plaintiff’s First Amended Complaint.

This is the first request for an extension of the time to submit Plaintiff’s opposition brief. A briefing schedule was not set for this Motion, and thus the response deadline is currently governed by Local Rule 6.1(b). Plaintiff’s position is that its opposition brief is currently due on November 27, 2023. The Motion was filed on November 9, 2023; pursuant to Local Rule 6.1(b), it would be due fourteen days after (i.e., November 23, 2023), but since that Thursday is Thanksgiving Day, and this Court observes the day after Thanksgiving as a Court holiday, the deadline continues to Monday, November 27, 2023 per Fed. R. Civ. P. 6 (a)(1) and Local Rule 6.4. Defendant’s position is that the opposition brief is due on November 24, 2023 “since the Friday after Thanksgiving is only a ‘court holiday’ and not a ‘legal holiday.’” In all events, Plaintiff respectfully requests an extension of time until **December 11, 2023**. The reason for the request is that counsel for Plaintiff has family obligations over the Thanksgiving weekend, and commitments in other client matters next week, including four depositions and three court conferences.

We have conferred with counsel for Defendant and Defendant does not consent to the requested two-week extension. Defendant’s counsel stated that “[Defendant] is not opposed to a short extension for [Plaintiff] to file its opposition to the motion to dismiss. But for the Thanksgiving holiday, the opposition would have been due on Thursday November 23rd, so an extra few days to account for the holiday weekend is more than fair. [Defendant] would consent to extending [Plaintiff]’s deadline to file its opposition until Tuesday November 28, 2023, with [Defendant]’s reply due on December 5th.”

Respectfully submitted,

s/ Sandra A. Hudak

Sandra A. Hudak

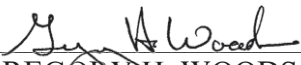
Attorneys for Plaintiff

cc: All Counsel of Record via ECF

Application granted. Plaintiff's November 21, 2023 request for an extension of time to file its opposition to defendant's motion to dismiss, Dkt. No. 21, is granted. Plaintiff's opposition is due no later than December 11, 2023. Defendant's reply, if any, is due one week after service of Plaintiff's opposition. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 21.

SO ORDERED.

Dated: November 22, 2023



GREGORY H. WOODS
United States District Judge